

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:21-00126

JACOB CORNELIUS HALL

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion to continue the trial and related dates in this matter. (ECF No. 25). In support of defendant's motion, counsel for the defendant states that cases of this nature often require the retention of a forensic computer expert to examine the hard drive of seized computer-related devices. For this reason, defendant needs additional time to review the discovery provided and make decisions regarding expert witnesses and forensic discovery and in order to file meaningful pretrial motions if appropriate. Defendant requests a continuance of ninety days.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant the continuance would deny counsel for the defendant the reasonable

time necessary to effectively prepare for trial, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until January 5, 2022, at 9:30 a.m., in Charleston. Proposed jury instructions should be filed no later than December 28, 2021;
2. All pretrial motions are to be filed by November 30, 2021;
3. A pretrial motions hearing is scheduled for December 7, 2021, at 1:30 p.m., in Charleston;
4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of defendant's motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Order to counsel of record, the United States Marshal for the Southern District of West Virginia and the Probation Office of this court.

IT IS SO ORDERED this 16th day of September, 2021.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge